

IN RE: PETITION FOR ZONING VARIANCE  
BEFORE THE  
ES of Hidden Trail Drive  
2,177' S of c/l Shadbrook Dr.  
11100 Hidden Trail Drive  
3rd Election District  
3rd Councilmanic District  
Valley Brook Ltd. Partnership  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF

The Petitioner herein requests a variance from Section 1A04.3B.3 to permit a side yard setback of 40 feet in lieu of the required 50 feet and to amend the Final Development Plan, Section II- Valley Brook, in accordance with the Petitioner's Exhibit 1.

The Petitioner by Jay Weiss, President of Valley Brook Ltd. Partnership, appeared and testified. Also appearing on behalf of the Petitioner was Janet Strauss, Project Manager of Valley Brook. There were no Protestants.

Testimony and evidence indicated that the subject property, known as Lot No. 3, has been tentatively sold for a house 70 feet in width which will not fit in the required building area and maintain the appropriate side yard setbacks. Therefore, the Petitioner is requesting a variance for 40 feet on each side of the house in lieu of the required 50 feet.

Based upon the testimony and evidence presented at the hearing, all of which is uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect

the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of February 1990 that the Petition for a Zoning Variance to permit a side yard setback of 40 feet in lieu of the required 50 feet and to amend the Final Development Plan, Section II- Valley Brook, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner and/or any predecessor in title to this property shall not be entitled to any further variances of area or bulk regulations for this site.
- 3) Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:mmn  
cc: Peoples Counsel

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(800) 887-3333  
J. Robert Haines  
Zoning Commissioner

February 20, 1990



Dennis F. Rasmussen  
County Executive

Mr. Jay Weiss,  
President  
Valley Brook Ltd. Partnership  
3655A Old Court Road  
Baltimore, Maryland 21208

RE: Petition for Zoning Variance  
Case No. 90-259-A  
Valley Brook Ltd. Partnership, Petitioner

Dear Mr. Weiss:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:mmn  
encl.  
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE #120  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-259-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3B.3 PERMIT A SIDE YARD SETBACK OF 40' IN LIEU OF THE REQUIRED 50' AND TO AMEND THE FINAL DEVELOPMENT PLAN, SECTION II-VALLEYBROOK, IN ACCORDANCE WITH THE PETITIONER'S EXHIBIT 1.

1. POSITION OF EXISTING WELL RESTRICTS MOVING HOUSE TO REAR WHICH IS THE WIDEST AREA.
2. TO PLACE A SMALLER SIZE HOUSE IN THE BUILDING AREA AVAILABLE WOULD DOWNGRADE THE VALUE OF THE EXISTING HOUSES IN THE SUBDIVISION.
3. DEVELOPMENT AND LAND COST HAS DICTATED THE PURCHASE PRICE OF THE LAND BECAUSE THERE IS NOW NO FLEXIBILITY IN POSITIONING A HOUSE-MAKING THE SALE IMPOSSIBLE.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_  
VENABLE, BAETJER & HOWARD  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney's Telephone No.: \_\_\_\_\_  
Legal Owner(s): \_\_\_\_\_  
VALLEY BROOK LTD. PARTNERSHIP  
(Type or Print Name)  
Signature: \_\_\_\_\_  
JAY WEISS  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this 11 day of February 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2 day of March 1990, at 9:30 o'clock A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING  
Date: 10/1/89  
By: [Signature]

PETITION FOR ZONING VARIANCE #120  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-259-A

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I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_  
VENABLE, BAETJER & HOWARD  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney's Telephone No.: \_\_\_\_\_  
Legal Owner(s): \_\_\_\_\_  
VALLEY BROOK LTD. PARTNERSHIP  
(Type or Print Name)  
Signature: \_\_\_\_\_  
JAY WEISS  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this 11 day of February 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2 day of March 1990, at 9:30 o'clock A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

(over)

Columbia Office  
Walter Park  
Registered Surveyor  
Phone 520-9000  
M. & H. DEVELOPMENT ENGINEERS, INC.  
200 EAST JOFFA ROAD  
ROOM 101, SHELL BUILDING  
TOWSON, MARYLAND 21204  
OCTOBER 2, 1989  
Towson Office  
Malcolm E. Hudkins  
Registered Surveyor  
Phone 520-9000  
90-259-A

ZONING DESCRIPTION

Beginning at a point on the east side of Hidden Trail Drive which is 50' r/w wide at the distance of 2177.71 feet southerly of the centerline of Shadbrook Drive which is 50' right of way wide. Being Lot # 3, Section # 2 in the subdivision of Valley Brook as recorded in Baltimore County Plat Book # 56, Folio # 30, containing 49,876 square feet or 1.145 acres. Also known as 11100 Hidden Trail Drive and located in the 3rd Election District.

Malcolm E. Hudkins  
Registered Surveyor #5095

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 3rd  
Date of Posting: December 10, 1989  
Posted for: Variance  
Petitioner: Valley Brook Limited Partnership  
Location of property: 11100 Hidden Trail Drive, 2177' S of c/l Shadbrook Drive, 11100 Hidden Trail Drive  
Location of Signs: East side of Hidden Trail Drive on front of lot #3  
Remarks: S.G. Arata  
Posted by: S.G. Arata  
Date of return: December 19, 1989  
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 7, 1989  
THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 7, 1989.

OWINGS MILLS TIMES,

S. Zeke Olson  
Publisher

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the following:  
Date: Jan. 2, 1990 at 9:30 a.m.  
Time: 9:30 a.m.  
In the event that this Petition is granted, a building permit may be issued within the 30-day period. The Zoning Commission will, however, entertain any request for a stay of the enforcement of said permit during the period for good cause shown. Such request must be in writing and received in the office of the Zoning Commissioner on or before the date of the hearing on appeal or the date of the hearing.

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 7, 1989  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 7, 1989.

THE JEFFERSONIAN,

S. Zeke Olson  
Publisher

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the following:  
Date: Jan. 2, 1990 at 9:30 a.m.  
Time: 9:30 a.m.  
In the event that this Petition is granted, a building permit may be issued within the 30-day period. The Zoning Commission will, however, entertain any request for a stay of the enforcement of said permit during the period for good cause shown. Such request must be in writing and received in the office of the Zoning Commissioner on or before the date of the hearing on appeal or the date of the hearing.



Baltimore County  
Zoning Commission  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

DATE: DEC 12 1989

Valley Brook Limited Partnership  
3655A Old Court Road  
Baltimore, Maryland 21208



Re:  
Petition for Zoning Variance  
CASE NUMBER: 90-259-A  
1/8 of Hidden Trail Drive, 2,177' S of c/l of Shadbrook Drive  
11100 Hidden Trail Drive  
Jedlestone District - 3rd/semi-rural  
Petitioner(s): Valley Brook Limited Partnership  
HEARING SCHEDULED: TUESDAY, JANUARY 2, 1990 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$103.60 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 111, Towson, Maryland 21204 (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

JRH:gs  
cc: John S. Howard, Esq.

Baltimore County  
Zoning Commission  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

November 30, 1989

NOTICE OF HEARING



The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

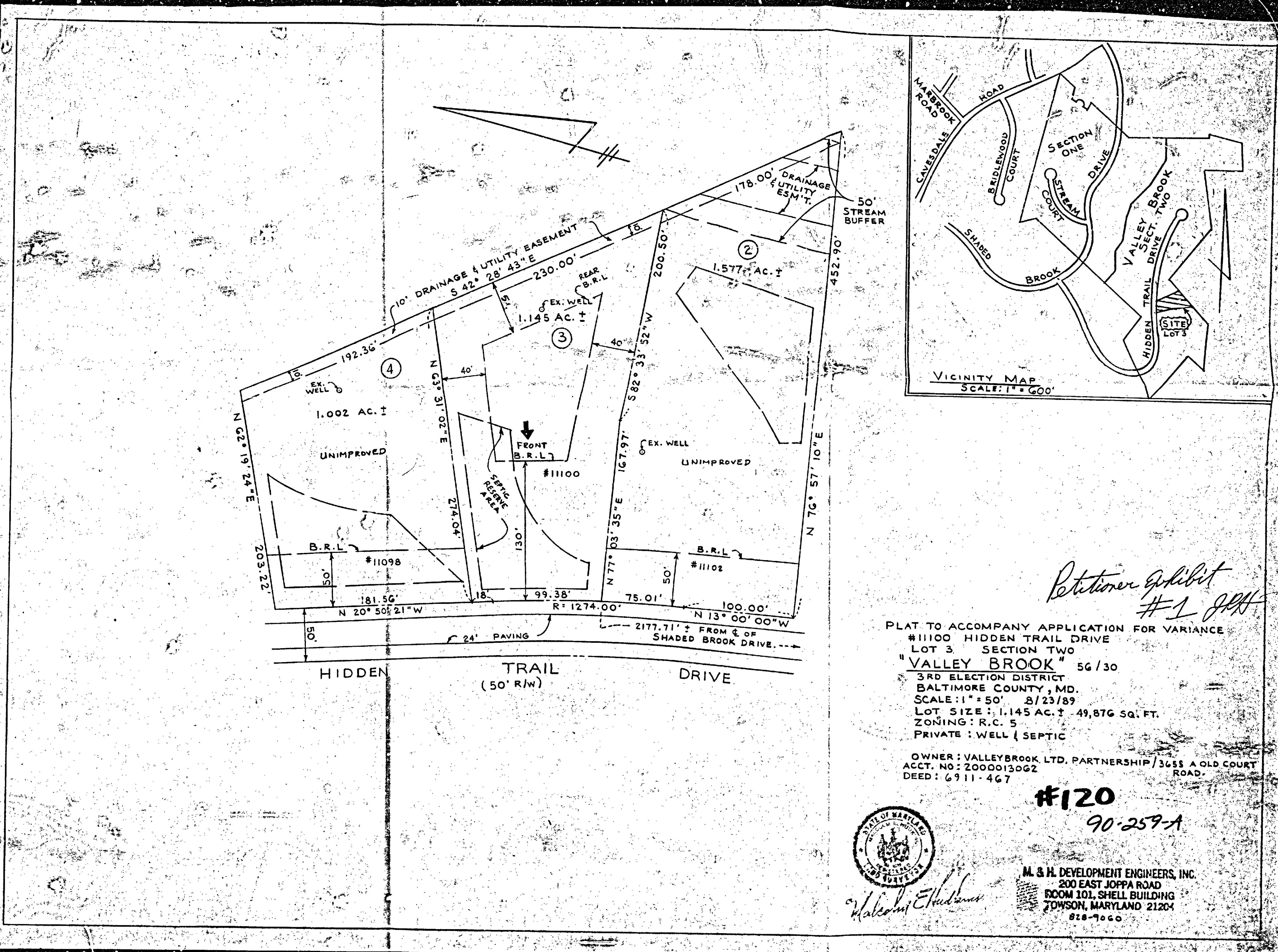
Petition for Zoning Variance  
CASE NUMBER: 90-259-A  
1/8 of Hidden Trail Drive, 2,177' S of c/l of Shadbrook Drive  
11100 Hidden Trail Drive  
Jedlestone District - 3rd/semi-rural  
Petitioner(s): Valley Brook Limited Partnership  
HEARING SCHEDULED: TUESDAY, JANUARY 2, 1990 at 9:30 a.m.

Variance to permit a side yard setback of 40 feet in lieu of the required 50 feet and to amend the final Development Plan, Section II - Valleybrook.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

JRH:gs  
cc: Valley Brook Limited Partnership  
John S. Howard, Esq.



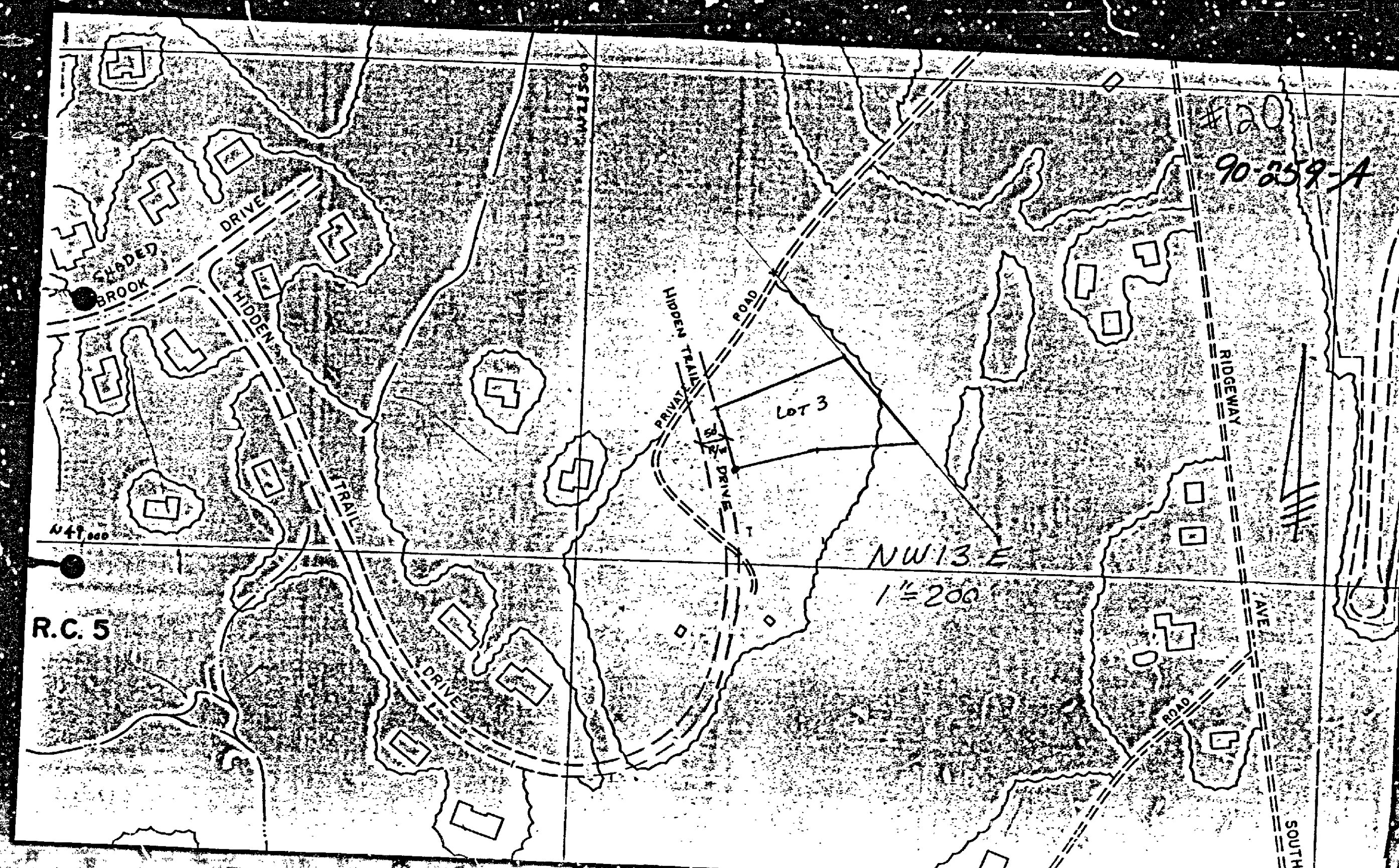
PLAT TO ACCOMPANY APPLICATION FOR VARIANCE  
#11100 HIDDEN TRAIL DRIVE  
LOT 3 SECTION TWO  
"VALLEY BROOK" 56/30  
3RD ELECTION DISTRICT  
BALTIMORE COUNTY, MD.  
SCALE: 1" = 50' 8/23/89  
LOT SIZE: 1.145 AC. ± 49,876 SQ. FT.  
ZONING: R.C. 5  
PRIVATE: WELL & SEPTIC

OWNER: VALLEYBROOK LTD. PARTNERSHIP/3655 A OLD COURT ROAD  
ACCT. NO: 2000013062  
DEED: 6911-467



#120  
90-259-A

M. & H. DEVELOPMENT ENGINEERS, INC.  
200 EAST JOPPA ROAD  
ROOM 101, SHELL BUILDING  
TOWSON, MARYLAND 21204  
818-7660





BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 12, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

000

Venable, Baetjer & Howard  
2 Hopkins Plaza  
Baltimore, MD 21201

RE: Item No. 120, Case No. 90-259-A  
Petitioner: Valley Brook Ltd, et al  
Petition for Zoning Variance

Gentlemen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*

JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Jay Weiss  
Valley Brook Ltd Partnership  
3655 A Old Court Road  
Baltimore, MD 21208

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this  
11th day of October, 1989.

*J. Robert Haines*

J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*

Chairman,  
Zoning Plans Advisory Committee

Petitioner: Valley Brook Ltd, et al

Petitioner's Attorney: Venable, Baetjer & Howard

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: December 18, 1989

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Valley Brook Limited Partnership, Item 120  
Zoning Petition No. 90-259A

The Petitioner requests a variance to side yard setback requirement.

In reference to this request, staff offers the following comments:

The amended site plan of "Valley Brook" received CRG approval on April 16, 1986 (File No. III-295). The attached copy of a portion of the CRG plan shows a typical dwelling, 70' X 35', which can fit on the lot without the need for a variance. In fact, all lots on the approved CRG plan show a typical dwelling site of at least 60' X 35', so the stated hardship of a diminished house size does not appear to be valid. The second attachment shows the actual permitted building area with the required 50 ft. setbacks and the setbacks from well and septic areas designated.

This request for diminished setbacks may set an adverse precedent for the remainder of the subdivision.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Attachments

DEC 18 1989

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 406  
Towson, Maryland 21204  
(301) 887-3554

November 9, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

RECEIVED  
NOV 16 1989

ZONING OFFICE



Dennis F. Rasmussen  
County Executive

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 119, 121, 122, 123, 124, 125, 126, and 127.

Very truly yours,

*Michael S. Flanigan*

Michael S. Flanigan,  
Traffic Engineer Associate II

MSF/lab

Baltimore County  
Fire Department  
800 York Road  
Towson, Maryland 21204-2586  
(301) 887-4500

Paul H. Reincke  
Chief

OCTOBER 20, 1989



Dennis F. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: VALLEY BROOK LTD. PARTNP.  
Location: E/S OF HIDDEN TRAIL DRIVE  
Item No.: 120 Zoning Agenda: OCTOBER 17, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *CH. [Signature]* 10-14-89 Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/REK

OCT 24 1989